

NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
Mississippi Department of Environmental Quality
Air Division

FILED
FEB - 2 2006

Mississippi Department of Environmental Quality
Attn: Ted Lampton, Legal Division
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Specific Legal Authority Authorizing the promulgation of
Rule: §49-2-9(1) MS Code Annotated

Reference to Rules repealed, amended or suspended by the
Proposed Rule. "Air Emission Regulations for the
Prevention, Abatement, and Control of Air Contaminants",
APC-S-1

Date Rule Proposed: June 17, 2005

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: The amendments to "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants", APC-S-1 involve: (1) Amendments to adopt additional requirements for open burning on ozone action days in DeSoto, Hancock, Harrison, and Jackson Counties in Mississippi and; (2) Amendments to adopt, by reference, federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants that have been promulgated by the U.S. Environmental Protection Agency since November 20, 2003..

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☒ An oral proceeding was held on this rule:

Date: July 18, 2005
Time: 2:00 p.m. CDT
Place: Mississippi Dept. of Environmental Quality, 101 W. Capitol St., Jackson, Mississippi

Date: July 19, 2005
Time: 1:00 p.m. CDT
Place: DeSoto County Administration Building, 365 Loshier St., Hernando, Mississippi

Date: July 20, 2005
Time: 1:00 p.m. CDT
Place: Bolton State Office Building, 1141 Bayview Avenue, Biloxi, Mississippi

☐ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption,
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted
response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could
be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: Adopted January 26, 2006
Effective 30 days after filing

Ted Lampton, Senior Attorney, MDEQ
Signature and Title of Person Submitting Rule for Filing